



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,923	06/13/2001	Mark D. Roberts	28549/165405	2854

7590 08/14/2002

Robert S. Babayi
VENABLE
P.O. Box 34385
Washington, DC 20043-9998

EXAMINER

TRAN, KHANH C

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/878,923

Applicant(s)

ROBERTS, MARK D.

Examiner

Khanh Tran

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-35 is/are allowed.
- 6) ☒ Claim(s) 36-38 and 44-46 is/are rejected.
- 7) ☒ Claim(s) 39-43 and 47-52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 36, 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Fullerton U.S. Patent 5,687,169.

Regarding claim 36, Fullerton discloses, in figures 9 & 17, an impulse radio transceiver for full duplex ultrawide-band communications. The transceiver comprises an impulse radio transmitter to transmit impulse radio signal pulses, an impulse radio receiver to receive impulse radio signal pulses. Fullerton further discloses in figures 11 and 12, column 10, lines 4-37 a scenario where interference might occur in contention zones between two pulse trains transmitted by transmitters 1 and 2. In subsequent teachings, Fullerton discloses a method of delaying the transmission of transceiver 1, 10ns or 100 ns of delay, before transmitting after receiving pulses.

Regarding claim 37, a pulse characteristic inherently has amplitude, a pulse width and a pulse polarity.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2631

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 38, 44, 45 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fullerton U.S. Patent 5,687,169 as applied to claims 36 and 37 above, and further in view of Barrett U.S. Patent 5,610,907.

Regarding claims 38, 44, 45 and 46, Fullerton describes the interference issue and application of delaying pulse transmission in claims 36 and 37 above. Barret also discloses, in figure 1 A and 1 B, an ultrashort pulse time hopping code-division-multiple access (CDMA) RF communications system comprising a transmitter that includes a short duration pulse generator for generating a short duration pulse in the picosecond to nanosecond range, and a homodyne receiver for receiving such pulse trains. It would have been obvious that such impulse radio transceiver as taught by Fullerton would operate the same way in ultrashort pulse time hopping CDMA RF communications environment as described by Bannett.

Allowable Subject Matter

3. Claims 1-35 are allowed over prior art.
4. Claims 39-43 and 47-52 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2631

Fullerton et al., U.S. Patent 6,430,208, U.S. Patent 5,995,534, discloses an ultrawide-band communication system and method.

Finn et al. U.S. Patent 6,351,652 discloses a mobile communications system and method utilizing impulse radio.

Richards et al. U.S. Patent 6,295,019 discloses a system and method for person or object position location utilizing impulse radio.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 703-305-2384. The examiner can normally be reached on Monday - Friday from 08:00 AM - 04:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

KCT
August 9, 2002


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 